

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re  
Tioda L Holdren aka Tina Holdren aka Tina L Holdren Case No 4:18-bk-03825 JJT

Capital One Auto Finance a division of Capital One NA  
Movant  
v

Tioda L Holdren aka Tina Holdren aka Tina L Holdren  
Charles DeHart III  
Respondents

**ANSWER OF DEBTOR TO STAY RELIEF MOTION OF LIENHOLDER**

Tioda L Holdren aka Tina Holdren aka Tina L Holdren (the "Debtor"), by Debtor's attorney,  
Robert Spielman, states the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. Despite reasonable investigation, the Debtor is without sufficient information to be able to form a belief as to the truth of this allegation. Specifically, the Debtor does not know if the installment sales contract was assigned to Movant, and no copy of the assignment is attached to the motion, nor has the Movant attached a copy of the retail installment sales contract itself. Proof of this allegation at trial is therefore demanded.
6. Admitted.
7. Admitted.
8. Admitted. In further answer, the post-petition default will be cured within a reasonable amount of time. Specifically, the Debtor paid \$1200 to Movant on or about January 4, 2018, and the Debtor is ready, willing, and able to make such additional payments as will be required to cure the existing default within a reasonable amount of time.
9. Admitted.
10. Admitted.

11. Denied. Movant has no factual or legal basis for proceeding with repossession, since the Debtor is ready, willing, and able to make such additional payments as will be required to cure the existing default within a reasonable amount of time.
12. Denied. Movant has no factual or legal basis for proceeding with repossession, since the Debtor is ready, willing, and able to make such additional payments as will be required to cure the existing default within a reasonable amount of time. There is no factual or legal basis exists for ignoring Rule 4001(a)(3).
13. Denied. Despite reasonable investigation, the Debtor is without sufficient information to be able to form a belief as to the truth of this allegation. Specifically, the Debtor does not know the amount of legal fees and costs that were incurred by the Movant. Proof of this allegation at trial is therefore demanded.

**WHEREFORE**, the Debtor requests that the Motion be dismissed; and that the Court grant such other relief as is just.

**LAW OFFICES OF ROBERT SPIELMAN, P.C.**

**BY: /s/ Robert Spielman**

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Robert Spielman  
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Bloomsburg, Pennsylvania  
Dated: January 9, 2019

**CERTIFICATION OF SERVICE**

I, Robert Spielman, 29 East Main Street, Bloomsburg, PA 17815-1485 certify: that I am, and at all times hereinafter mentioned was, more than 18 years of age; and that on the date set forth below, I served a copy of the annexed Answer on:

Charles J DeHart III  
8125 Adams Dr Ste A  
Hummelstown PA 17036

MESTER & SCHWARTZ, P.C.  
Jason Brett Schwartz, Esquire  
1333 Race Street  
Philadelphia, PA 19107  
(267) 909-9036

by first class mail, postage prepaid, addressed as set forth above, or by electronic transmission. I certify under penalty of perjury that the foregoing is true and correct.

**LAW OFFICES OF ROBERT SPIELMAN, P.C.**

**BY: /s/ Robert Spielman** \_\_\_\_\_

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